

CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: February 3, 2010 Name: Timothy J. Le Duc, Reg. No. 54,745 Signature: /Timothy J. Le Duc/

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Anthony Durrell

Appln. No.: 10/529,016

Filed: March 24, 2005

For: Psychometric Instruments and  
Methods for Mood Analysis,  
Psychoeducation, Mood Health  
Promotion, Mood Health  
Maintenance and Mood Disorder  
Therapy

Attorney Docket No: 13793-3

Examiner: Nikolai A. Gishnock

Art Unit: 3715

Confirmation No.: 8806

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(b), Applicant hereby re-cites the following item:

**NON-PATENT LITERATURE DOCUMENTS**

DVD "Donnie Darko" Twentieth Century Fox, 2001

In accordance with 37 C.F.R. § 1.97(g),(h), this Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant hereby certifies that the item of information disclosed in this Statement was cited in a communication for the corresponding PCT application.

The Office Action of August 4, 2009 states that a non-patent literature publication cited in the Information Disclosure Statement was not considered. Applicant referred to the film "Donnie Darko," which was cited in the International Preliminary Examination Report (IPER) for a corresponding PCT international application. Applicant respectfully refers the Examiner to the IPER, which was filed on March 24, 2005 along with the present Application, and the statements therein regarding the reference D3 (Donnie Darko DVD).

Applicant respectfully requests that the listed item be made of record in the present case.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that the item, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Respectfully submitted,

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February 3, 2010  
Date

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/Timothy J. Le Duc/  
Timothy J. Le Duc (Reg. No. 54,745)